



RE: Passaic - RM 10.9 AOC
 Gary.Gengel
 to:
 Sarah Flanagan, Kegan.Brown
 05/30/2012 02:37 PM
 Hide Details
 From: <Gary.Gengel@lw.com>
 To: Sarah Flanagan/R2/USEPA/US@EPA, <Kegan.Brown@lw.com>,

Thanks Sarah!!

Gary P. Gengel

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 Email: gary.gengel@lw.com

From: Sarah Flanagan [<mailto:Flanagan.Sarah@epamail.epa.gov>]

Sent: Wednesday, May 30, 2012 1:54 PM

To: Gengel, Gary (NJ); Brown, Kegan (NY)

Subject: Passaic - RM 10.9 AOC

Gary and Kegan,

While awaiting word on the extension, I decided to go ahead and send you the EPA Findings of Fact from the final proposed AOC (sent to KL Gates on May 21, 2012) compared to the first draft (sent to KL Gates on February 17, 2012).

Sarah P. Flanagan
 Office of Regional Counsel, NJ Superfund Branch
 USEPA, Region 2
 290 Broadway, 17th Floor
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From: <Gary.Gengel@lw.com>
 To: Sarah Flanagan/R2/USEPA/US@EPA, <Kegan.Brown@lw.com>
 Date: 05/30/2012 11:24 AM
 Subject: RE: Passaic - RM 10.9 AOC/SOW

Sarah –

No problem on the SOW. While I understand your point on sequencing, reality is we need to agree on final language by June 7 – a week from tomorrow – in order to go to clients for signature pages. I don't think we want AOC language to slow down the process. Also, I think the draft we want is your first draft not the most recent draft, although both would be helpful.

I'm on a call now, but will call as soon as I'm done.

Thanks,

Gary P. Gengel

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From: Sarah Flanagan [<mailto:Flanagan.Sarah@epamail.epa.gov>]

Sent: Wednesday, May 30, 2012 11:13 AM

To: Brown, Kegan (NY)

Cc: Gengel, Gary (NJ)

Subject: Passaic - RM 10.9 AOC/SOW

Kegan,

Gary and I did talk about the fact that members of the CPG other than Occidental, Maxus and Tierra are conferring this afternoon, and may propose minor tweaks to the EPA statement of facts in the AOC. However, unless and until a decision is made about extending the time for the CPG to sign the AOC, I am not comfortable sending you a Word version. In any case, and without agreeing that any changes will be made, I am concerned that this request implies a degree of revision beyond something that could be characterized as "minor." This would conflict with the CPG's request for an extension, which is premised on the notion that the CPG has nearly unanimously agreed to sign the AOC, and indeed some signature pages have already been collected.

Also, please let your colleagues know that it would not be fruitful to request changes to the SOW. If EPA extends the time for signature of the AOC, the only changes to the SOW will be to the timing of the first two deliverables (the Removal/Capping Work Plan/BODR and the Bench-Scale Testing QAPP) so that the schedule will not be delayed. EPA will make those changes.

Regards,

-Sarah

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From: "Brown, Kegan (NY)" <Kegan.Brown@lw.com>
 To: Sarah Flanagan/R2/USEPA/US@EPA
 Cc: "Gengel, Gary (NJ)" <Gary.Gengel@lw.com>
 Date: 05/29/2012 09:12 PM
 Subject: Passaic - RM 10.9 AOC/SOW

Sarah,

Per your conversation with Gary last week, can you please send me Word versions of the proposed final RM 10.9 AOC and SOW?

Thanks!

Kegan A. Brown

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